

**CITY OF SANTA FE**  
**Compilation of Graffiti and Spray Paint Regulations\***  
**As of November 10, 2003**

**20-4 INJURING PROPERTY; GRAFFITI.**

**20-4.1 General Prohibitions.**

A. *Private Property.* It is unlawful for any person, without authority, to negligently, willfully or maliciously, damage, injure, destroy or deface the private property, real or personal, of another.

B. *Public Property and Public Utility.* It is unlawful for any person, unless authorized by any provision of the Santa Fe City Code 1987, other ordinance of this city, or a permit issued by the city to break, cut, destroy, remove, carry away, deface, tamper with, write on, mar, injure, disfigure, interfere with, advertise on, damage, tear, change or alter in any manner, any:

(1) Park or public square property, including the grass, flowers, shrubs, bulbs, rocks, stones, gravel, pebbles or any other property growing in or on any of the parks or public squares of the city or any property in or on the public squares or parks;

(2) Library property, including any book, art object, picture, poster, periodical, map, newspaper, place, engraving, audio or video tape recording, or other property belonging to the city and constituting part of the property devoted to public library use;

(3) Public utility property, whether owned by the city or by any public utility located on, in or along any street or sidewalk or operating in or using any area in the city; or

(4) Public property, including any building or part of a building, or any material, apparatus, fixture, appliance or document belonging to the city; any parts or appurtenances of a fire alarm, telegraph or police signal system; any street or traffic light system; any water, hydrant, reservoir or sewer system; any public bridge, viaduct or tunnel; any tree, shrub, tree stake or guard in any public street or place; or any other property of whatever kind or character owned or leased by the city, the county, the state or the United States government or any political subdivisions or departments thereof and not specifically enumerated in this section.

C. *Trees and Shrubs.* It is unlawful for any person to remove, destroy, break, impair or mutilate any tree, plant or ornamental bush, vine or shrub, on or along any street, park, public place or stream within the corporate limits of the city without city permission.

**20-4.2 Graffiti.**

A. *Findings and Purpose.* Graffiti is a public nuisance that tarnishes the image of the city, causes neighborhoods to deteriorate, encourages other crime, erodes property values, consumes city resources, and undermines the sense of well-being, safety and pride citizens feel for their community. Accordingly, the governing body declares that the purposes of this section are to declare graffiti to be a

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\* For official ordinance and codification, please contact the City of Santa Fe Clerk's Office

nuisance, to prohibit the inscription of any type of graffiti on any public or private property, to provide for abatement of graffiti, and to provide penalties for anyone violating the provisions of this section.

B. *Definitions.*

(1) *Abate* means to permanently remove or cover graffiti.

(2) *Graffiti* means markings placed upon any public or private building or other real or personal property, without written permission of the owner or person in control of the property, by means of painting, spray painting, drawing, etching, carving, scratching or any similar method, within the public view or which are visible from any other parcel of property.

(3) *Public view* means visible from any public street, sidewalk, alley, park or other public place.

C. *Prohibited Conduct.*

(1) No person shall inscribe graffiti; and

(2) No person shall sell spray paint in violation of Section 20-18.3 SFCC 1987.

D. *Graffiti Abatement.*

(1) Subject to the availability of funds, the city may remove, at the city's expense, graffiti located on private property and within the public view.

(2) Whenever the city becomes aware of graffiti located on private property and within the public view, the city shall notify the property owner or person in control of the property that the property owner or person in control of the property shall abate the graffiti at their expense within ten (10) days of the notice. If the graffiti is not abated, the property owner will be deemed to have consented to the city's entry onto the property in order to abate the graffiti. The property owner may sign a release of liability allowing the city to abate future graffiti without notice to the property owner.

(3) In the case of commercial property, the city shall seek to recover from the property owner or person in control of the property the costs to the city for graffiti abatement, including supplies, the value of staff and equipment or payment made to third parties, if any.

(4) Private entities having facilities located in the public right-of-way shall be responsible for abating graffiti on their facilities as set forth in this section.

E. *Enforcement.* The city manager shall designate city staff as appropriate for the enforcement of this section.

F. *Penalties.*

(1) Any person convicted of violating the provisions of Section 20-4.2C SFCC 1987 shall be sentenced as provided by subsection 1-3.1 SFCC 1987;

(2) Each violation shall be a separate and distinct offense; and

(3) Any person convicted of violating the provisions of Section 20-4.2C SFCC 1987 may be required as a condition of probation or deferred or suspended sentence to perform

mandatory community service, including the labor of removal of graffiti.

G. *Other Remedies.* The city may seek, in the appropriate court of law, reimbursement from persons violating the provisions of Section 20-4.2C SFCC 1987 for costs incurred by the city for the abatement of the graffiti.

## **20-18 RESTRICTIONS REGARDING THE SALE OF GLUE AND SPRAY PAINT; AND SNIFFING OF GLUE OR SPRAY PAINT PRODUCTS PROHIBITED.**

### **20-18.1 Reserved.**

### **20-18.2 Definitions.** As used in this section:

*Glue* means plastic or model airplane cement and includes any cement containing hexane, benzene, toluene, xylene, carbon tetrachloride, ethylene dichloride, acetone, cyclohexanone, methyl ethyl ketone, methyl isobutyl ketone, amyl acetate, butyl acetate, ethyl acetate, tricresol phosphate, beryl alcohol, ethyl alcohol, isopropyl alcohol or methyl cellosolve acetate.

*Minor* means an individual who is less than eighteen years of age.

*Spray paint* means paint in an aerosol container.

### **20-18.3 Sale of Glue and Spray Paint.**

A. No person shall knowingly sell, offer to sell, barter or give any glue or spray paint to any minor.

B. A person, firm, corporation, partnership or other entity engaged in the retail sale of spray paint shall store or cause such spray paint to be stored as follows:

(1) In the line of sight, either directly or through use of electronic or mechanical surveillance devices, of one or more work stations that are normally continuously occupied during business hours; or

(2) In an area viewable by the public, but not accessible to the public in the regular course of business without employee assistance, pending legal sale or disposition of such spray paint.

C. A person, firm, corporation, partnership or other entity engaged in the retail sale of glue or spray paint shall prominently display in the place where glue or spray paint are sold, a printed sign or decal that reads as follows:

CITY ORDINANCE PROHIBITS THE SALE OF GLUE OR SPRAY PAINT TO PERSONS UNDER THE AGE OF 18. THE MISUSE OF THESE PRODUCTS FOR GRAFFITI, VANDALISM OR INHALATION MAY RESULT IN PENALTIES OF A \$500 FINE, AND/OR 90 DAYS IMPRISONMENT, AND/OR COMMUNITY SERVICE, AND/OR THE COST OF PROPERTY DAMAGE.

D. A person, firm, corporation, partnership or other entity engaged in the retail sale of glue or spray paint shall either:

(1) Prominently display at the point at which customers pay for purchase a printed sign or decal that reads as follows:

NO GLUE OR SPRAY PAINT SOLD TO MINORS. CITY ORDINANCE PROHIBITS THE SALE OF GLUE OR AEROSOL PAINT TO PERSONS UNDER 18 YEARS OF AGE. GOVERNMENT ISSUED PROOF OF AGE REQUIRED; or

(2) Program the electronic checkout system to read the universal product code of each glue and spray paint product, stop the checkout process upon identifying such code and prompt the employee to confirm the legal age of the purchaser prior to proceeding with the sale.

E. Any person convicted of selling spray paint in violation of this section shall be subject to the penalties set forth in Section 20-4.2 SFCC 1987.

F. Paragraphs B, C, and D of this section shall become effective January 1, 2004.

**20-18.4 Documentary Evidence of Age and Identity.** Evidence of the age and identity of the person may be shown by any document that contains a picture of the person issued by a federal, state, county or municipal government, including a motor vehicle driver's license or an identification card issued to a member of the armed forces.

**20-18.5 Refusal to Sell Glue or Spray Paint to Person Unable to Produce Identity Card.**

Any person selling goods at retail or wholesale may refuse to sell glue or spray paint to any person who is unable to produce an identity card as evidence that the person is eighteen (18) years of age or over.

**20-18.6 Reserved.**

**20-18.7 Inspections.** The city shall conduct random, unannounced inspections of facilities where glue or spray paint is sold to ensure compliance with the provisions of Section 20-18 SFCC 1987.

**20-18.8 Sniffing Glue or Aerosol Spray Product Prohibited.**

A. No person shall intentionally smell, sniff or inhale the fumes or vapors from a glue, aerosol spray product or other chemical substance for the purpose of causing a condition of or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, stupefaction or dulling of the senses, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes.

B. No person shall intentionally possess glue, aerosol spray product or other chemical substance for any purpose set forth in paragraph A, above.

C. The provisions of this section do not apply to any aerosol spray product or other chemical substance used for legitimate medicinal purposes and obtained either on a prescription basis or for medicinal purposes by a person over the age of eighteen.

**20-18.9 Penalty.** Any person who violates Section 20-18 SFCC 1987 is guilty of a code violation and shall be sentenced pursuant to the provisions of Section 1-3-1 SFCC 1987. Each violation is a separate and distinct offense.